IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 13104 of 2004

Between:

1 Challapalli Nageswara Rao, S/o Adiyya,
R/o Mulpur, Amrutalur Mandal, Guntur District.
2 Challapalli Kamala, S/o Nageswara Rao,
R/o Mulpur, Amrutalur Mandal, Guntur District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by its Secretary, Home Department, Secretariat, Hyderabad.
2 Director General of Police, A.P. Hyderabad.
3 Superintendent of Police, Guntur District, Guntur.
4 Circle Inspector of Police, Tenali Rural PS, Tenali, Guntur District.
5 Sub Inspector of Police, Amrutalur Police Station, Amrutalur, Guntur

District.
6 Smt. Nimmagadda Vasantha Kumari, W/o Late Sambasiva Rao,
R/o Mulpur, Amrutalur Mandal, Guntur District.
7 Sri Nimmagadda Satya Prakash, S/o Late Sambasiva Rao,
Swarna Apartments, Ground Floor, H.No. 6-1/3, Ramachandra Nagar,

Vijayawada-8.
8 Smt. Paruchuri Ratna Durga, W/o Suresh Babu,
R/o Nowluru Village, Mangalagiri Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Habeas Corpus or any other appropriate Writ, order or direction directing the Respondents to produce the persons viz, 1. Sri Nimmagadda Vijaya Bhaskara Rao, S/o Sambasiva Rao, aged about 48 years, R/o Mulpur, Amarthalur Mandal, Guntur District. 2. Sri Nimmagadda Anuradha, W/o Vijaya Bhaskara Rao, aged 43 years, R/o Mulpur, Amarthalur Mandal, Guntur District before this Hon'ble Court and set them at Liberty while providing security to the petitioners and grant such other relief or reliefs.

Counsel for the Petitioners:MR.V.V.L.N.SARMA

Counsel for the Respondent Nos.1 to 5 : The Advocate-General

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

This Petition was filed on 26.7.2004. After narrating the long history of the property and family dispute, petitioners alleged that their daughter and son-in-law were taken away by the police on the basis of Crime No. 41 of 2004 of Amarthalur Police Station, under Sections 448, 427, 323, 379 read with Section 511 IPC, alleged to have been registered at the behest of Respondent No.6. It is stated that petitioners' daughter and son-in-law have not been produced thereafter in Court.

The aforementioned allegations made in paragraph 8 of the Petition are not supported on the basis of personal knowledge, but, are stated to be true to his knowledge based on record and believed to be correct. Insofar as other contents of paragraph 7 of the petition are concerned, they are stated to be true to his knowledge and based on information. Other paragraphs 1 to 6 are stated to be true to his personal knowledge. Thus, there is no personal knowledge as regards the arrest of his son-in-law and daughter in connection with the aforementioned crime.

Y.Maria Dass, Sub-Inspector of Police, Amarthalur Police Station, Guntur District denies that son-in-law and daughter of the petitioners are under any restraint or were arrested. It is stated that Nimmagadda Vasantha Kumari of Mulpur village, Amarthalur Mandal had lodged a complaint on 6.7.2004 stating that her son and daughter-in-law (petitioners' son-in-law and daughter) have tried to take away the gold ornaments and sought police protection. It is stated that based on the said complaint, Crime was registered and since then the alleged detenus are not traceable. Investigation was conducted and charge-sheet was filed on 29.7.2004 in

the Court of II Additional Munsif Magistrate, Tenali. It is also stated that the alleged detenu had sent a letter by post from Mulpur village to the Police Station on 16.7.2004 stating that he and his wife had no option except to commit suicide unless police intervenes in the matter and do justice for restoring the properties to him being legal heirs of the ancestors. The alleged detenu also made a representation to the District Collector, Guntur District, and, the District Collector passed orders directing the Revenue Divisional Officer, Tenali to cancel the pattas issued in favour of the mother, brother and sister of the alleged Detenu No.1. Accordingly, the Revenue Divisional Officer passed orders canceling the pattas. It is also stated that the alleged detenus are deliberately absconding and got filed the present Writ Petition at the behest of petitioners in order to avoid the arrest.

In the absence of any arrest by the police and, as they are required in connection with crime, no direction deserves to be issued in this Writ Petition. The Writ Petition stands dismissed.

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DEVINDER GUPTA, C.J.

16.8.2004.

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C.V.RAMULU, J.

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To

1 The Secretary, Government of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
2 Director General of Police, A.P. Hyderabad.
3 Superintendent of Police, Guntur District, Guntur.

4 Circle Inspector of Police, Tenali Rural PS, Tenali, Guntur District.
5 Sub Inspector of Police, Amrutalur Police Station, Amrutalur, Guntur

District.

6 Two C.Cs to the Advocate-General., High Court buildings,

High Court of A.P., Hyderabad (O.U.T.)

7 Two C.D. Copies.